

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563-AB10

General Administrative Regulations; Sanctions

AGENCY: Federal Crop Insurance Corporation, Agriculture.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend its regulations by setting out the additional sanctions made available under the Federal Crop Insurance Act as amended by the Federal Crop Insurance Reform Act of 1994 with respect to fines and disqualification for willfully and intentionally providing false or inaccurate information and ineligibility for the adoption of a material scheme or device to obtain benefits.

DATES: Written comments, data, and opinions on this rule must be submitted no later than March 14, 1995 to be sure of consideration.

ADDRESSES: Written comments, data, and opinion on this proposed rule should be sent to Diana Moslak, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250. Hand or messenger delivery should be made to Suite 500, 2101 L Street NW., Washington D.C. Written comments will be available for public inspection and copying in the Office of the Manager, 2101 L Street NW., 5th Floor, Washington, DC, during regular business hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Diana Moslak, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under United States Department of Agriculture (USDA) procedures established by Executive Order 12866 and

Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is December 1, 1999.

This rule has been determined to be "not significant" for the purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget (OMB).

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), no information collection or record-keeping requirements are found in this rule.

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implication to warrant the preparation of a Federalism Assessment. The requirements and procedures contained in this rule will not have substantial direct effects on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Under section 605 of the Regulatory Flexibility Act (5 U.S.C. 601-612), this regulation will not have a significant impact on a substantial number of small entities. This action does not increase the paperwork burden on the insured producer or the reinsured company. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt state and local laws to the extent such state and local laws are inconsistent herewith. This rule does not have retroactive effect and administrative appeals as established under 7 CFR part 400 subpart J or under

regulations established under subtitle H of the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354) must be exhausted before judicial action may be brought.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Federal Crop Insurance Act (FCI Act) was amended by the Federal Crop Insurance Reform Act of 1994 ("Reform Act") on October 13, 1994. The Reform Act added a provision to the FCI Act providing that any participant in the program who knowingly adopts a material scheme or device should lose all benefits under the program for that crop year. This provision roughly parallels similar provisions found in USDA commodity programs. Eligibility for those programs are now linked to the crop insurance program. The Reform Act also amended the FCI Act to revise the penalty for giving false or inaccurate information. The penalty for those acts previously was administrative debarment from participation in the program for a period of up to ten years. However, administrative ineligibility for participation in the disaster assistance and other commodity programs had previously been two years. The Reform Act substituted Catastrophic Risk Protection for Disaster Assistance for insurable crops and reduced the maximum administrative debarment for Catastrophic Risk Protection to two years so as to conform to previous practice. The term for administrative debarment when the insured purchases other than catastrophic risk protection coverage remains at a maximum of ten years.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure, Claims, Crop insurance, Reporting and recordkeeping requirements.

Proposed Rule

For the reasons set out in the preamble, subpart R, part 400 of chapter IV of title 7 of the Code of Federal Regulations is proposed to be amended as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart R—Sanctions

1. The authority citation for 7 CFR part 400, subpart R, is revised to read as follows:

Authority: 7 U.S.C. 1506(l).

2. Paragraph (a) of § 400.454 is revised to read as follows:

§ 400.454 Civil Penalties.

(a) Any person who willfully and intentionally provides any false or inaccurate information to FCIC or to any approved insurance provider reinsured by FCIC with respect to an insurance plan or policy issued under the authority of the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501 et seq.) may be subject to a civil fine of up to \$10,000 for each violation and disqualification from participation in:

(1) The catastrophic risk protection plan of insurance for a period not to exceed two (2) years; or

(2) Any plan of insurance providing protection in excess of that provided under the catastrophic risk protection plan of insurance for a period not to exceed ten (10) years.

* * * * *

3. A new § 400.458 is added to read as follows:

§ 400.458 Scheme or device.

In addition to the penalties specified in this part, if a person has knowingly adopted a material scheme or device to obtain catastrophic risk protection, other plans of insurance coverage, or non-insured assistance benefits to which the person is not entitled, has evaded the Federal Crop Insurance Act, or has acted with the purpose of evading the Federal Crop Insurance Act, the person shall be ineligible to receive any and all benefits applicable to any crop year for which the scheme or device was adopted.

Done in Washington, D.C. on January 5, 1995.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 95-617 Filed 1-12-95; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 286

[INS No. 1350-93]

RIN 1115-AD06

INS Immigration User Fee Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of user fee account status.

SUMMARY: The Attorney General is required to submit a report to the Congress concerning the status of the Immigration User Fee Account (IUFA), and to recommend any adjustment in the prescribed fee. The report is to be submitted to the Congress following a public notice with opportunity for comment. This document publishes the status of the IUFA as of September 30, 1994, and presents the public the opportunity to comment and propose regulatory changes.

DATES: Written comments must be received on or before March 14, 1995.

ADDRESSES: Please submit written comments, in triplicate, to Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Room 5307, 425 I Street, NW., Washington, DC 20536-0002. To ensure proper handling, please reference INS No. 1350-93 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Michael Natchuras, Budget Analyst, Fee Analysis and Operations Branch, Office of Finance, Immigration and Naturalization Service, 425 I Street, NW., Room 6240, Washington, DC 20036-0002, telephone 202-616-2754.

SUPPLEMENTARY INFORMATION: Section 286(d) of the Immigration and Nationality Act (Act) directs the Attorney General to charge and collect a user fee from each individual arriving in the United States aboard a commercial aircraft or commercial vessel from foreign locations effective December 1, 1986. Individuals arriving from Mexico, Canada, and the adjacent islands by means other than commercial aircraft are exempt from the fee. The 1994 Appropriations Act for the Department of Justice, Public Law 103-121, changed the Immigration User Fee from \$5.00 to \$6.00 per passenger inspected. Fee collections are used to provide immigration inspection services for commercial aircraft and commercial vessels; detect fraudulent documents used by air and sea passengers travelling to the United States; detain and deport excludable aliens arriving on commercial aircraft and commercial vessels; expand and operate information systems for non-immigrant control and debt collection; and provide necessary support for operations to ensure that the objectives of the program are achieved. The 1994 Appropriations Act authorized the use of the IUFA to provide detention and deportation services for excludable aliens who have attempted to enter the United States illegally through avoidance of inspection at air and sea ports-of-entry, and to provide exclusion and asylum proceedings at air and sea ports-of-entry for excludable aliens arriving on commercial aircraft and vessels and for any excludable aliens who have attempted to enter the United States illegally through avoidance of inspection at air and sea ports-of-entry.

Section 286(h) of the Act requires the Attorney General to submit a bi-yearly report to the Congress concerning the status of the IUFA. Before the report is submitted, the Attorney General must present a summary of the account's status for review and public comment.

As of September 30, 1994, the status of the account is as follows:

	Financial summary (\$000)		
	Fiscal year 1993 actual	Fiscal year 1994 actual	Fiscal year 1995 estimate
Start of year balance	\$7,321	\$27,460	\$40,387
Collections	228,298	270,090	295,900
Obligations	211,094	264,530	321,600
Recovery of prior year obligations	2,935	7,367
End of year balance	27,460	40,387	14,667

On February 15, 1994, INS published proposed changes in regulations (59 FR

7227) to amend 8 CFR 286 to comply with 1991 and 1994 Department of

Justice Appropriations Acts. In addition, the proposed rule included changes in